IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3437 of 2007()

AGAINST THE ORDER DATED 27/06/2007 IN CRMP.1883/07 IN CRA.522/2007 of SESSIONS COURT, THRISSUR

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PETITIONER: APPELLANT IN THE APPEAL:

MATHEW C. MATHEW, S/O.C.V.MATHEW,
CHIRAYIL VEEDU, KALAVOOR P.O., ALAPUZHA.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS: COMPLAINANT:

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1. RAGHAVAN, S/O.PULIKKATHARA VELAPPAN,
METHALA VILLAGE, KODUNGALLOOR TALUK.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.RAVINDRABABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No. 3437 of 2007

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Dated this the 15th day of November, 2007

ORDER

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. He preferred an appeal before the Sessions Judge. The learned Sessions Judge admitted the appeal and suspended the execution of the sentence subject to conditions. Inter alia, there is a condition that the petitioner must deposit an amount of Rs.10,000/-before the lower court on or before 14.10.07. The time has been extended by the learned Magistrate to 14.11.07. That time also has already expired, submits the learned counsel for the petitioner. The short submission of the petitioner is that the petitioner is put to grave financial difficulties and is unable to make the said payment. If reasonable time is not granted to the petitioner to deposit Rs.10,000/-, the petitioner shall have to suffer sentence even before his appeal is disposed of by the learned Sessions Judge.

2. The counsel after discussions at the Bar only prays that a short further time may be granted to make the payment of

said amount of Rs.10,000/-. I am satisfied, in the facts and circumstances of the case, that a lenient view can be taken and the petitioner can be granted time till 15.12.07 to make the deposit of the said amount of Rs.10,000/-. If the petitioner is unable to make the said payment, the petitioner can immediately file an application before the learned Sessions Judge with a prayer for expeditious disposal of the appeal. If such request is made, within seven days from this date, the learned Sessions Judge must ensure that the appeal is disposed of on or before 15.12.07.

This petition is allowed to the above extent.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE